

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#19

4/23/03

Serial No. 09/849,768

Date: March 17, 2003

Date Filed: 5/4/2001

Examiner: Pechhold, Alexandra

Applicant: K. Krueger et al.

Group: 3671

Title: Stormwater Management System

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(2307)

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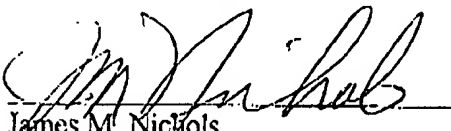
DECLARATION

1. I hold a bachelor of science degree in engineering. My present position is chief executive at Infiltrator Systems, Inc., Old Saybrook, Connecticut. I have had more than 20 years experience in design and engineering, mostly relating to molded plastic articles. As a manager, I have continued involvement in leaching and storm chamber engineering to the present day.
2. I am the patentee for U.S. Pat. No. 5,336,017 and related patents deriving from the same parent application. I am co-patentee with R. May for U.S. Pat. No. 4,759,661 "Leaching System Conduit".
3. I make this declaration in connection with patent application serial number 09/849,768, the assignee of which is owned by my employer.
4. Fig. 1 of the '017 application is intended to illustrate a prior art chamber of the '661 application. See Background at Column 1, lines 1-23, the description at Column 3, lines 26-34. As reference to Fig. 1 and Fig. 3 of the '661 application shows, that prior art chamber has straight sidewalls of 18-19 degree slope and a curved top. Column 6, line 15.
5. The '017 application was concerned with the joint between chambers. Thus, Fig. 1 and related Fig. 4 were not intended to detail the shape of the chamber curve or the configuration of the sidewall. As an example, the slots are only suggested; and, that is the case for the arch shape.
6. To the extent any Figures of the '017 application are viewed as showing a chamber with continuously curved sidewalls, i.e., sidewalls which are not straight, it is inconsistent with what the words of the specification say is illustrated, and a misinterpretation, since there was no prior art chamber with curved walls.
7. At the time of the '017 application and patent issuance, neither I nor anyone associated with me in chamber design and manufacture had designed, described, published or

offered for sale a continuously curved cross section chamber. We only conceived straight sidewalls, wanting to have consistent slot geometry all along the height of the sidewall.

8. It was only recently, with the work which resulted in the invention claimed in the 09/849,768 application of Krueger et al., that continuously curved chambers were put on sale or published by persons associated with Infiltrator System companies.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

  
James M. Nichols